

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
 (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference pathape1032W	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2005/000942	International filing date (<i>day/month/year</i>) 01 February 2005 (01.02.2005)	Priority date (<i>day/month/year</i>) 02 February 2004 (02.02.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant KRONES AG			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 10 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input checked="" type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report 03 October 2006 (03.10.2006)	
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION
PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year) See form PCT/ISA/210
Applicant's or agent's file reference pathape1032W		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/EP2005/000942	International filing date (day/month/year) 01.02.2005	Priority date (day/month/year) 02.02.2004
International Patent Classification (IPC) or both national classification and IPC B65G47/51		
Applicant KRONES AG		

<p>1. This opinion contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input checked="" type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application <p>2. FURTHER ACTION</p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p>
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Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV Lack of unity of invention

1. In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
 paid additional fees
 paid additional fees under protest
 not paid additional fees
2. This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
 complied with
 not complied with for the following reasons:

See supplemental sheet
4. Consequently, this opinion has been established in respect of the following parts of the international application:
 all parts
 the parts relating to claims Nos. _____

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1. Statement

Novelty (N)	Claims	<u>1-40, 42-48</u>	YES
	Claims	<u>41</u>	NO
Inventive step (IS)	Claims	<u>2, 3, 5, 7-27, 29-40, 42-48</u>	YES
	Claims	<u>1, 4, 6, 28, 41</u>	NO
Industrial applicability (IA)	Claims	<u>1-48</u>	YES
	Claims		NO

2. Citations and explanations:

As the search fees have been paid for both inventions, this opinion covers both inventions, or all the claims.

Invention 1 (claims 1-27)

1 Claim 1

Document D1 is considered to be the closest prior art and discloses a device for dynamically storing objects (see IV, paragraph 4).

However, document D1 does not disclose a conveying means which is provided with grippers over its entire length.

2 The problem addressed by claim 1 can therefore be considered that of providing an alternative device for dynamically storing and gripping objects.

3 The solution proposed in claim 1 of the present application cannot be regarded as inventive for the following reasons (PCT Article 33(3)): the solution features have already been used for the same purpose in a similar device, cf. in this regard document D2, in particular column 3,

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

paragraph 14. If a person skilled in the art wished to achieve the same aim in a device as per document D1, he could easily apply these features to like effect to the subject matter of D1. In this way he would arrive at a device as per claim 1 without thereby being inventive.

- 4 The additional features of dependent claims 4 and 6 are also known from a combination of document D1 with document D2.
- 5 Claims 1-27 relate to industrially applicable subject matter (PCT Article 33(4)).

Invention 2 (claims 28-48)

- 1 Claim 28
Document D1 is considered to be the closest prior art and discloses a device for dynamically storing objects (see IV, paragraph 4).
However, document D1 does not disclose that the conveying means has a link chain which is equipped with rotatable guide rollers and at least in regions runs in at least one stationary guide rail, at least one guide roller being arranged movably on the respective chain link.
- 2 The problem addressed by claim 28 can therefore be considered that of providing a device for dynamically storing and gripping objects with an alternative link chain.

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

3 The solution proposed in claim 28 of the present application cannot be regarded as inventive for the following reasons (PCT Article 33(3)): the solution features have already been used for the same purpose in a similar device, cf. in this regard document D3, in particular column 3, lines 8-41; abstract; figures 1 and 3. If a person skilled in the art wished to achieve the same aim in a device as per document D1, he could easily apply these features to like effect to the subject matter of D1. In this way he would arrive at a device as per claim 28 without thereby being inventive.

4 Claim 41
Document D3 discloses a link chain (chain assembly (14)) equipped with rotatable guide rollers (center rollers (24)), at least one guide roller being arranged movably (see: column 3, lines 38-41) on the respective chain link. All the features of claim 41 are therefore known from D3.

5 Claims 28-48 relate to industrially applicable subject matter (PCT Article 33(4)).

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Reference is made to the following documents:

D1 = EP-A-1275603

D2 = EP-A-1295820

D3 = EP-A-0734978

Box IV

1 This Authority has determined that the international application contains multiple inventions or groups of inventions which are not linked by a single general inventive concept (PCT Rule 13.1), as follows:

I. Device for dynamically storing objects along a conveyor section with a continuous, flexible conveying means, the continuous conveying means being provided with grippers over its entire length.

II. Device for dynamically storing objects along a conveyor section with a link chain equipped with rotatable guide rollers.

2 These inventions are not so linked with one another as to form a single general inventive concept, for the following reasons:

3 The application is devoted to the general object of providing a device for storing objects with a

Supplemental Box

link chain.

4 Document D1 discloses a device for dynamically storing objects (goods (G)) along a conveyor section between an input station (input station) and an output station (output station) with a continuous, flexible conveying means (conveying means (1)) which is divided in a variable manner into a conveying strand (storage strand (10, 10')) and an empty strand (empty strand (11, 11', 12, 12')), the conveying strand and the empty strand in each case having regions of variable length which are movable in opposite directions (see figures), with at least one slide (slide (2)) for changing the storage capacity which can be displaced in the conveying plane and has a first diversion for the conveying strand (diverting roller (12)) and a second diversion for the empty strand (diverting roller (21')), and also with a first drive arrangement for the conveying means in the region of the input station and a second drive arrangement for the conveying means in the region of the output station, the first and the second drive arrangements being drivable independently of one another with variable conveying speed (see: column 3, paragraphs 15-17).

5 The contributions of the different inventions to the prior art according to document D1 can be assessed as follows:

Claims 1-27

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Supplemental Box

The continuous conveying means is provided with grippers over its entire length; the corresponding object is, for example, to provide an alternative device for dynamically storing objects along a conveyor section between an input station and an output station.

Claims 28-48

The link chain is equipped with rotatable guide rollers; the corresponding object is, for example, to provide an alternative link chain.

- 6 No non-trivial features which are the same or features with the same or corresponding non-trivial effect can be seen from either the claims or the description.

- 7 The application thus fails to meet the requirement of unity of invention (PCT Rule 13.1), since there is no technical relationship among the subjects of said groups of claims involving one or more of the same or corresponding special technical features (PCT Rule 13.2).